

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
DEQ Building #2 Room 201
168 North 1950 West
Salt Lake City, Utah 84116
Friday, November 18, 2005
1:00 p.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Jay Olsen	Dianne Nielson
David Echols	Joe Piccolo
Neil Kochenour	Douglas E. Thompson
Darrell Mensel	

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Harry Judd, Ed Macauley, Bill Damery, John Whitehead, Carl Adams, Ed Hickey, Rob Herbert, Rand Fisher, Sid Curnow, Mark Novak, Beth Wondimu,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Phil Wright	Wasatch County Health Dept.
Fred Nelson	Attorney Generals Office
David Lifferth	Mayor of Eagle Mountain
Doug Legge	Terosen
Rick Bailey	San Juan County
Mark Sovine	Eagle Mountain
Darrel Dixon	Stantec
Lynn Stroupe	Eagle Mountain
Janice Sloem	Eagle Mountain
Jerry Kinghorn	Attorney for Eagle Mountain
David Blackburn	Eagle Mountain
Mark Madsen	Senate
Jana Wallace	USGS
Mike Lowe	USGS
Fred Duberow	Stantec Consulting
Vincent Liddiard	Eagle Mountain

Mayor Thompson (filling in for Chairman Child) called the Board meeting to order at 1:03 p.m. He welcomed those in attendance. Mayor Thompson invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE OCTOBER 18TH & SEPTEMBER 26TH 2005
MEETING

Motion: **It was moved by Mr. Echols and seconded by Mr. Mensel to approve the minutes of the October 18, 2005 Board meeting as written. The motion was unanimously approved.**

Motion: It was moved by Dr. Kochenour and seconded by Mayor Piccolo to approve the minutes of September 26, 2005 Board meeting as written. The motion was unanimously approved.

RULEMAKING

Request for Board approval for classification of the Sanpete Valley Aquifer, Sanpete County: Mr. Novak explained subsequent to the Board's August 18, 2005 authorization to proceed, a public hearing was held on October 5, 2005 in Manti for the classification of the Sanpete Valley Aquifer, Sanpete County. The public comment period opened on September 21, 2005 and closed on October 21, 2005. No substantive comments were received during the public comment period to cause any changes to the aquifer classification petition. Based on a review of the petition and supporting information, the staff has determined that the aquifer classification has met the criteria stipulated by R317-6-5 and is in the best interest of the beneficial users. Staff recommends that the Board approve the aquifer classification as designated in the petition.

Motion: It was moved by Mr. Echols and seconded by Mr. Mensel to approve the petition to classify the aquifer. The motion was unanimously approved, with Jay Olsen abstaining.

Request for Board approval for classification of the Moab-Spanish Valley Aquifer, Grand and San Juan Counties: Mr. Damery directed the Board to Tab 2.22 in the packet. Subsequent to the Board's August 18, 2005 authorization to proceed, a public hearing was held on October 26, 2005 in Moab for the classification of the Moab-Spanish Valley Aquifer, Grand and San Juan Counties. No substantive comments were received during the public comment period to cause any changes to the aquifer classification petition. Staff recommended that the Board approve the aquifer classification as designated in the petition submitted by the City of Moab, Grand County, and the Grand Water and Sewer Service Agency.

Mr. Damery noted that a letter was received from Mr. Rick Bailey representing the San Juan County Commission, stating San Juan County has not supported such a petition and at this time opposes any such classification on lands located in San Juan County. He requested copies of the petition and other information that was filed with the Division of Water Quality. In the last three to five years San Juan County has had many discussions with a group called the Spanish Valley round table which included all the partners of the land use in that area.

Mr. Bailey stated that San Juan County has not wavered in its position and stated it has been unfairly singled out by the other local governments in the area. The purpose of San Juan County's letter was to state that San Juan County had not been included in the discussion of the submittal of the aquifer classification petition and want to preserve its right to determine lot sizes and septic tank densities. An extensive discussion ensued to clarify with Mr. Bailey what the impact of the classification designation would or could be to San Juan County.

Motion: Mayor Piccolo moved to approve the aquifer classification request made by Moab City, Grand County Water and Sewer District and Grand County. The motion was seconded by Dr. Kochenour and was unanimously approved.

(Dianne Nielson left following this discussion)

LOAN PROGRAM

Financial Assistance Status Report – Sid Curnow updated the Board on the “Summary of Assistance Program Funds” as outlined on pages 3.1 and 3.2. Mr. Curnow pointed out that the Town of Stockton recently held an election regarding its request to the Board for a \$2,494,000 grant and \$2,700,000 loan, and the community voted against proceeding (see letter from Stockton handed out prior to meeting).

Request to approve of Eagle Mountain funding request: Mr. Macauley introduced Mayor David Lifferth, Janice Sloem, Mark Sovine, Lynn Stroupe, Vincent Liddiard, David Blackburn of Eagle Mountain and Jerry Kinghorn, counsel for Eagle Mountain. Eagle Mountain requested financial assistance in the amount of a \$6,665,000 zero percent interest loan repayable over 20 years to construct an oxidation ditch to replace the existing Santec pre-packaged mechanical wastewater treatment plant. Mr. Macauley explained the city is experiencing sustained rapid growth and is separated into two service areas, the North Service Area (NSA) and the South Service Area (SSA). Approximately 35% of the population currently lives in the SSA, with the expectation that this will increase to 45% by 2025. Dr. Kochenour questioned the 0% loan request. Mr. Echols said there were a number of issues to be addressed before a motion could be made, such as design costs, phosphorous reduction, land application, effluent disposal of plan, and how the impact fees would be used. Following an extensive discussion with the representatives from Eagle Mountain the Board made a motion to postpone action on the Eagle Mountain funding request.

Motion: **It was moved by Mr. Olsen and seconded by Mr. Echols to ask staff and Eagle Mountain to come back to the board in January with more complete information on the proposed project. The motion was unanimously approved.**

Update on “Unsewered Communities in Utah”: Mr. Macauley directed the Board’s attention to pages 3.11, 3.12 and 3.13 in the packet. This document was developed in response to a request by the Board to see a ranking by population of unsewered communities in Utah.

OTHER BUSINESS

Information on Ethics Act and Conflicts of Interest: Mr. Nelson, from the Attorney Generals Office, directed the Board’s attention to Tab 4.1 through 4.14. Mr. Nelson explained the information on ethics requirements and potential or actual conflicts of interest of members of the Board, acknowledging that Boards are comprised of members who by statute are representatives of various interests and groups. These statutorily-established criteria for membership on the Boards make conflicts of interest inevitable. Each Board member is being asked to submit a new Conflict of Interest Form.

Review & selection for funding of FY06 Utah CWA 319 project proposals: Representing the Utah NPS Committee, Mr. Fisher informed the Board of the methods and decisions on the use of CWA 319 funds for fiscal year 2006 for water quality projects in Utah. CWA 319 projects require at least 40% non-federal funding from public and/or private sources. There were 17 project proposals received in August 2005 requesting over \$2.7 million. Utah anticipates receiving \$1.28 million from USEPA for these projects.

Discussion of appointing Hearing Officers for Board Actions and Future Board Meetings:

Mr. Baker explained to the Board when public hearings are held during the year for various rulemaking items, a Hearing Officer is needed at each of these meetings. Mr. Baker encouraged the Board members, if they are interested, to serve as Hearing Officer's at any of these meetings.

Schedules for upcoming Board meetings for FY2006 were distributed and discussed.

NEXT MEETING

Due to time constraints two items on the agenda (Tab 4, items 3 & 4) were postponed for a future Board meeting.

The next Water Quality Board meeting will be a January 20, 2006 at the Cannon Health Building, Room 125 at 9:30 am.

Douglas E. Thompson,
Vice -Chairman